

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: April 25, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, New Jersey
RE: MONTHLY MEETING

1. Pledge of Allegiance
2. Sunshine Law Statement
3. Roll Call

4. REVIEW OF MINUTES - March 28, 2007

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5. SPECIAL PRESENTATION

6. PUBLIC PARTICIPATION ON RESOLUTIONS

7. NJMC ANNUAL AUDIT

Resolution No. 07-37 Consideration of a Resolution Accepting
The 2006 Audit Reports Covering NJMC
Operations and Maintenance, Solid Waste
Operations, and Grants.

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8. ZONING

Resolution No. 07-38 Consideration of a Resolution Concerning A
Petition for a Rezoning of Block 108, Lot 2
in the Town of Lyndhurst.

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9. AVIAN CONTAMINANTS STUDY

Resolution No. 07-39 Consideration of a Resolution Authorizing
Funding of Second Year Study by New
Jersey Audubon Society.

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NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

MONTHLY MEETING

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10. **MEADOWLANDS ENVIRONMENTAL
RESEARCH INSTITUTE**

Resolution No. 07-40	Consideration of a Resolution Authorizing Funding To Establish Monitoring of Sediment Elevation in the District.	Pg. 12
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11. **LEGAL**

Resolution No. 07-41	Consideration of a Resolution Adopting a Final Decision in Riverview v. NJMC.	Pg. 14
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12. **ENERGY PROJECTS**

Resolution No. 07-42	Consideration of a Resolution Authorizing The Executive Director To Enter Into a Contract For Consulting Service, Design, Procurement for Engineering and Implementation of Energy Projects.	Pg. 16
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13. **PROPERTY ACQUISITION**

Resolution No. 07-43	Consideration of a Resolution Authorizing a Phase II Environmental Investigation	pg. 20
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14. **RIVER BARGE PARK**

Resolution No. 07-44	Consideration of a Resolution Authorizing the Executive Director To Enter Into a Contract for the Architectural Design, Engineering Services and Construction Management for the River Barge Park.	Pg. 22
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NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

MONTHLY MEETING

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15. REPORTS

- A. Commissioners
- B. Executive Director
- C. Director
- D. HMMC Executive Director

16. NEW BUSINESS

17. PUBLIC PARTICIPATION

18. CLOSED SESSION

- A. Adopt Resolution No. 07-45 to hold Closed Session.
- B. Adjournment to Closed Session. The Commission Reserves the Right to Reconvene into Public Session, if necessary, to take Action on Closed Session Items.

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PLEASE CONTACT THE NJMC OFFICE (201-460-1700) PRIOR TO MEETING IF SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA

NEW JERSEY MEADOWLANDS COMMISSION

DATE: March 28, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Eleanore Nissley, Acting Chairman
James Anzevino
Michael Gonnelli
Leonard R. Kaiser
Arleen Walther

STAFF PRESENT:

Robert R. Ceberio, Executive Director
Irfan Bora, Director of Finance & Management/
Chief Financial Officer
Thomas Marturano, Director of Natural Resources
Ileana Kafrouni, Director of Land Use Management
Christine A. Sanz, Director of Legal Affairs/Chief Counsel
Francisco Artigas, Director of MERI
Christopher Gale, Director of Communications
Christine Piatek, Deputy Attorney General
Fred J. Dressel, HMMC
Lynn Johnson, Executive Assistant

1. Pledge of Allegiance
2. Executive Director Ceberio read the Notice of Meeting required under the Sunshine Law.
3. Roll Call
4. REVIEW OF MINUTES

Minutes of the February 28, 2007 meeting were moved by Commissioner Gonnelli, seconded by Commissioner Walther and unanimously carried.

Minutes of the March 12, 2007 meeting were moved by Commissioner Kaiser, seconded by Commissioner Anzevino and unanimously carried.

5. SPECIAL PRESENTATION

Mr. Ceberio announced that this year will mark 25 years that the Meadowlands Commission opened its administrative offices and Environment Center. The theme of the Environment Center at that time was the history of solid waste and recycling. A few years ago the Commission brought in Ramapo College and changed the theme of the Environment Center to include clean water, clean land and clean air. Mr. Ceberio introduced Dr. Peter Mercer, President of Ramapo College and Dr. Angela Cristini who gave a presentation on the accomplishments of the programs being done at the Environment Center.

6. PUBLIC PARTICIPATION

- No one from the public spoke on resolutions.

7. CONSENT AGENDA

Resolution No. 07-30 - Resolution issuing a decision on the Variance application submitted as part of File #06-727, Milmar/Carnegie Deli Building Addition and Variance - Block 130, Lots 1, 2, & 3, in the Borough of Carlstadt, NJ.

Motion to adopt the resolution was made by Commissioner Kaiser, seconded by Commissioner Gonnelli and unanimously carried.

8. NJMC ENVIRONMENT CENTER

Resolution No. 07-31 - Resolution authorizing the Executive Director to renew the current Memorandum of Understanding with Ramapo College for a 5-year period.

Motion to adopt the resolution was made by Commissioner Gonnelli, seconded by Commissioner Walther and unanimously carried.

9. MAGNET PROGRAM

Resolution No. 07-32 - Resolution authorizing the Executive Director to appropriate funding for the Meadowlands Employment Opportunity Initiative from the MAGNET Program.

Motion to adopt the resolution was made by Commissioner Anzevino, seconded by Commissioner Gonnelli and carried with Commissioner Kaiser abstaining.

Resolution No. 07-33 - Resolution authorizing the Executive Director to appropriate funding for the Meadowlands Liberty Convention and Visitors Bureau from the MAGNET Program.

Motion to adopt the resolution was made by Commissioner Gonnelli, seconded by Commissioner Walther and carried with Commissioner Kaiser abstaining.

10. MEADOWLANDS CONSERVATION TRUST

Resolution No. 07-34 - Resolution authorizing the transfer of the Skeetkill Creek Marsh Property to the Meadowlands Conservation Trust.

Motion to adopt the resolution was made by Commissioner Anzevino, seconded by Commissioner Kaiser and carried with Commissioner Gonnelli abstaining.

11. VARIANCE

Resolution No. 07-35 - Resolution issuing a decision on the Variance Application submitted as part of File No. 06-436 Carlstadt Partners, LLC/Coast to Coast Installations- New Building - Block 124, Lot 33, in the Town of Carlstadt.

Motion to adopt the resolution was made by Commissioner Kaiser, seconded by Commissioner Walther and unanimously carried.

12. MEADOWFEST

Resolution No. 07-36 - Resolution to appropriate \$140,000 for the support of a Meadowfest.

Motion to adopt the resolution was made by Commissioner Anzevino, seconded by Commissioner Gonnelli and carried with Commissioner Kaiser abstaining.

13. REPORTS

Mr. Ceberio reported on the progress of the new Science Center being built.

14. PUBLIC PARTICIPATION

- Lenny Nix, Hackensack resident
- Vincent Bello, Lyndhurst resident

Motion to adjourn the meeting was made by Commissioner Gonnelli, seconded by Commissioner Arzevino with all in favor.

**RESOLUTION ACCEPTING THE
NEW JERSEY MEADOWLANDS COMMISSION
2006 AUDIT REPORTS**

BE IT RESOLVED by the New Jersey Meadowlands Commission, (NJMC) that the Single Audit prepared by Ferraioli, Wielkottz, Cerullo and Cuva, Certified Public Accountants, for the NJMC's General Operations, Solid Waste Operations, and Grants and Trust Funds for the year ended December 31, 2006, is hereby accepted.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-37

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners & Robert R. Ceberio, Executive Director

From: Irfan A. Bora Date: April 25, 2007

Subject: 2006 Audit Report

The audit committee is pleased to submit to the NJMC's Board of Commissioners the Commission's 2006 Annual Financial Audit Report. The report prepared by Ferraioli, Wielkotz, Cerullo and Cuva, gives the Commission an Unqualified Opinion (clean opinion) on all of its financial operations.

The Audit Report covers the financial results of the following activities of the Commission:

- The NJMC Operations , Maintenance, and Capital Projects Budgets.
- Activities of the New Jersey Meadowlands Environment Center.
- Financial Operations of the NJMC Solid Waste Baler Facility including the funds for closure and post closure of NJMC landfills.
- Various grants received by the Commission.

The Commission's CY2006 report represents the 6th year of our implementation of the new Governmental Accounting Standards. The audit also reflects for the first time the inclusion of infrastructure assets and the results of a complete physical inventory of all the NJMC assets. The Commission has been recognized in the past for its early implementation of the new standards in financial reporting by the Governmental Accounting Standards Board.

The audit committee has had an exit conference with the audit firm and there have been no adverse financial management issues raised by the audit staff.

The staff responsible for the audit from the firm of Ferraioli, Wielkotz, Cerullo and Cuva will be present at our meeting to answer any questions.

Finally, we would like to acknowledge the work of the entire accounting staff and the audit firm on the successful audit.

attachment

**RESOLUTION AUTHORIZING THE PUBLICATION
OF A NOTICE OF PROPOSAL AND
THE HOLDING OF A PUBLIC HEARING REGARDING
A PETITION FOR A REZONING OF
BLOCK 108, LOT 2 - LYNDHURST, NEW JERSEY**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) is authorized by N.J.S.A. 13:17-1 *et seq.* to adopt codes and standards regarding the zoning and rezoning of lands within the Hackensack Meadowlands District (HMD); and

WHEREAS, the HMD Official Zoning Map may be amended from time to time in accordance with N.J.A.C. 19:3-1.3 *et seq.* upon submittal of a petition to the NJMC; and

WHEREAS, the NJMC received a petition from 313 Newark Avenue, LLC c/o Thomas Ambrosio, Esq., requesting a rezoning of Block 108, Lot 2, in the Township of Lyndhurst, New Jersey; and

WHEREAS, the property, Block 108, Lot 2, is approximately 0.19 acres within the Low Density Residential zone; and

WHEREAS, 313 Newark Avenue, LLC is seeking to rezone the subject lot to the Neighborhood Commercial zone, which corresponds to the zone designation immediately adjacent to and north of the subject property; and

WHEREAS, the petitioner/property owner is interested in using the property for professional offices and offices compatible with the adjacent medical facility to the north.

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby authorizes the NJMC staff to prepare and submit a Notice of Proposal to the Office of Administrative Law for publication in the New Jersey Register and hold a public hearing in order to receive input from the petitioner and the general public regarding the possible rezoning of Block 108, Lot 2 in the Township of Lyndhurst, New Jersey.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-38

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Ileana Kafrouni Date: April 25, 2007

Subject: Request to Publish a Notice of Proposal and Hold a Public Hearing with regard to a Petition for a Rezoning of Block 108, Lot 2 in Lyndhurst, New Jersey

On March 7, 2007, the New Jersey Meadowlands Commission (NJMC) received a petition from 313 Newark Avenue, LLC c/o Thomas Ambrosio, Esq., to rezone an approximately 0.19 acre lot located at 313 Newark Avenue, Block 108, Lot 2 in the Township of Lyndhurst, New Jersey. The property is currently in the Low Density Residential zone. The petitioner is requesting the rezoning of the subject lot to the Neighborhood Commercial zone, which is the same zone as designated on the adjacent property to the north. The purpose of the rezoning request is to allow for the use of the existing structure for professional offices and other office uses compatible with the medical facility located on the adjacent property, which is also held in similar ownership. Offices are permitted in the Neighborhood Commercial zone, but not in the Low Density Residential zone.

A two-story residential structure is currently located on the subject property and is adjacent to two residential lots, each with a multifamily dwelling. The subject property is surrounded on the three remaining sides by non-residential uses. An existing First Care medical facility is located on the property to the north of the subject site, which was rezoned to the Neighborhood Commercial zone on February 17, 2004. An auto dealership is located across Orient Way to the west of the subject property. To the east across Newark Avenue and located at a significantly lower elevation, is Bed Roc Contracting, a heavy equipment storage and repair facility.

The applicant submitted a planner's report regarding the proposed rezoning that made note of the dual frontage, including high-traffic frontage along Orient Way, as part of the justification for the request for rezoning from the Low Density Residential to Neighborhood Commercial zone.

At this time the staff is requesting authorization to file a Notice of Proposal with the Office of Administrative Law for publication in the New Jersey Register and hold a public hearing in order to receive input from the petitioner and the general public regarding the possible rezoning of Block 108, Lot 2 in Lyndhurst, New Jersey. A resolution requesting the same is attached for your consideration.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH
THE NEW JERSEY AUDUBON SOCIETY
REGARDING THE SECOND YEAR OF A STUDY ON CONTAMINANTS IN
BIRDS OF THE HACKENSACK MEADOWLANDS AND THEIR EFFECTS ON
REPRODUCTIVE SUCCESS**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) is authorized by N.J.S.A. 13:17-1 et. seq. to preserve an ecological balance between natural and open areas and development and to provide for a comprehensive treatment of the ecological factors constituting the delicate environmental balance of the Meadowlands; and

WHEREAS, a reconnaissance study conducted by the U.S. Army Corps of Engineers (USACE) identified the New Jersey Meadowlands as a priority restoration area within the Hudson-Raritan Estuary (HRE); and

WHEREAS, the New Jersey Audubon Society has worked collaboratively with the Commission's staff in the past with great success; and

WHEREAS, the New Jersey Audubon Society (NJAS) conducted a study to determine the abundance and distribution of bird species occurring in various habitats in the Meadowlands District and behavior associated with the different habitats; and

WHEREAS, the NJAS has been actively building a database on birds in the Meadowlands for multiple years; and

WHEREAS, this information will help the NJMC in land use management; and

WHEREAS, the concentration of contaminants may be a concern in many locations in the Meadowlands including its effect on wildlife and in the restoration of wetlands; and

WHEREAS, the NJMC funded the initial year of a proposed two-year study on contaminants in birds in the Meadowlands; and

WHEREAS, building on the first year of their study, NJAS will continue to determine the contaminant levels in bird species that breed in the District and investigate the relationship between the levels of contaminants and the reproductive success of birds; and

WHEREAS, NJAS will examine the distribution of heavy metal and organic compound contaminant levels in birds, taking into consideration site locations and habitats.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is hereby authorized to enter into a Memorandum of Agreement with the New Jersey Audubon Society to conduct a second year of study and produce a report on Contaminants in Birds of the Hackensack Meadowlands and Their Effects on Reproductive Success.

BE IT FURTHER RESOLVED that the Commission will fund the second year of this two-year study at an amount not to exceed \$242,035.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-39

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Thomas Marturano

Date: April 25, 2007

Subject: Contaminants in Birds of the Hackensack Meadowlands and Their Effects on
Reproductive Success Study by New Jersey Audubon Society

The New Jersey Meadowlands Commission has a goal of restoration and enhancement of degraded wetlands as a mechanism to achieve its mandate to protect the environmental balance of the Meadowlands. This objective is stated in the Natural Environment System Plan as part of the NJMC Master Plan. Such action is consistent with the identification of the New Jersey Meadowlands as a priority restoration area within the Hudson-Raritan Estuary by the U.S. Army Corps of Engineers. The concentration of contaminants maybe a concern in many locations in the Meadowlands including its affects on wildlife. This is one of the considerations in the restoration of wetlands and is an issue frequently discussed with other governmental agencies.

The New Jersey Audubon Society (NJAS) conducted a study to determine the abundance and distribution of bird species occurring throughout the annual cycle in various habitats in the Meadowlands District and their behaviors associated with the different habitats. The NJAS has been actively building a database from this study for multiple years. This information will help the NJMC in land use management. In 2006 the NJAS conducted the first year of a proposed two-year study to determine the contaminant levels in bird species that breed in the District and to investigate the relationship between the levels of contaminants and the reproductive success of birds. NJAS proposes to continue with the second year of this study. Both heavy metal and some organic compound contaminants will be studied.

Levels of contaminants in sediments are routinely determined as part of the planning for restoration and data on contaminants in sediments is being collected by MERI. The NJMC conducted a study of contaminant concentrations in fishes. A similar study in birds would complement this data.

As in the first year of the study, NJAS will subcontract with the Environmental and Occupational Health Sciences Institute at Rutgers to analyze samples for heavy metal contaminants. MERI will analyze samples for organic contaminants. For quality control, subsamples will be analyzed for heavy metals by the Institut National de Sante Publique du Quebec or another equivalent lab, and subsamples will be sent to the Philadelphia Academy of Natural Sciences, or another equivalent lab, for analysis of organic contaminants.

The NJMC proposes funding the second year of this research. The cost of the second year of this study will not exceed \$242,035.



**RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE FIRST
SEDIMENT ELEVATION TABLES (SET) IN THE DISTRICT**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) through the Meadowlands Environmental Research Institute (MERI), monitors environmental conditions, conducts research, as well as develops and applies technology to address the environmental problems of the Hackensack Meadowlands District; and

WHEREAS, recent findings show evidence that wetlands in Jamaica Bay and Long Island Sound have now become costal shoals and mudflats; and

WHEREAS, scientific evidence shows that sea level rise is one of the principal factors affecting the long term sustainability of coastal wetlands; and

WHEREAS, USGS has installed Sediment Elevation Tables (SET) near of Jamaica Bay, Fire Island and Naragansett Bay to measure sea level rise around coastal wetland; and

WHEREAS, data generated by these measurements help run prediction models and identify vulnerable areas that will require special management given sea level rise; and

WHEREAS, sea level rise is not being measured in and around the Meadowlands District; and

NOW, THEREFORE, BE IT RESOLVED that the NJMC approves the establishment of the first SET's in the District in the amount not to exceed \$20,000 and to commence a long term monitoring of sea level rise.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Francisco Artigas Date: April 25, 2007

Subject: Resolution Supporting the Establishment of the first Sediment Elevation Tables (SET) in the District

There is strong scientific evidence showing that wetlands in Jamaica Bay and Long Island Sound have now become coastal shoals and mudflats. The same trend has been reported for Southern New Jersey and there is suspicion that it is also occurring in the Meadowlands. USGS has installed what are called Sediment Elevation Tables (SET) in the affected areas of Jamaica Bay, Fire Island and Naragansett Bay to measure sea level rise in low wetland areas. These measuring devices are critical to precisely separate the effects of sea level rise from natural wetland subsidence and sediment accretion. This resolution proposes the installation of a series of SET's by a team from USGS to monitor the long term effect of sea level rise in the Meadowlands District. Data provided by these measurements will help run prediction models to identify vulnerable areas and provide guidance for the management of low lying open spaces in the Meadowlands District.

We are requesting an amount not to exceed \$20,000 to establish the first SET's in the District and commence a long term monitoring of sea level rise.

**RESOLUTION AUTHORIZING THE CHAIRMAN TO ISSUE A FINAL
DECISION IN RIVERVIEW ASSOCIATES V.
NEW JERSEY MEADOWLANDS COMMISSION**

WHEREAS, an Initial Decision was issued in Riverview Associates v. New Jersey Meadowlands Commission, OAL DKT. NO. HMD 118-00, on May 16, 2006; and

WHEREAS, the NJMC has carefully reviewed the entire record, including the Initial Decision, the exceptions, the briefs and exhibits of the parties, and the transcripts of the administrative hearing.

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby authorizes the Chairman to issue the attached Final Decision.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-41

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Christine A. Sanz Date: April 25, 2007

Subject: Riverview Decision

An Initial Decision was issued in Riverview Associates v. New Jersey Meadowlands Commission, OAL DKT. NO. HMD 118-00, on May 16, 2006.

The NJMC has carefully reviewed the entire record, including the Initial Decision, the exceptions, the briefs and exhibits of the parties, and the transcripts of the administrative hearing and recommends that the Chairman issue the attached final decision.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER
INTO A CONTRACT FOR CONSULTING SERVICE, DESIGN AND
PROCUREMENT FOR ENGINEERING AND IMPLEMENTATION OF
ENERGY PROJECTS**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) is currently working to develop a renewable energy district in the Meadowlands District and implement policies that work to combat and raise awareness about global climate change; and

WHEREAS, the NJMC is currently in the Request for Proposals stage of the installation of a solar energy array on NJMC owned properties; and

WHEREAS, in addition to the installation of a solar energy array, the NJMC is also committed to increasing the energy efficiency at the NJMC administration buildings; and

WHEREAS, it is the goal of the NJMC to facilitate the installation of solar energy arrays on properties owned by the Meadowlands' municipalities and boards of educations, and facilitate the implementation of programs that increase the energy efficiency at these properties; and

WHEREAS, the NJMC has created a Renewable Energy Task force that is working to develop a renewable energy master plan that will help to guide the NJMC efforts concerning the implementation of programs and policies that create an energy environment that works to reduce the greenhouse gas emission footprint in the Meadowlands region; and

WHEREAS, it is the opinion of the NJMC staff that consulting services are needed to assist in the economic and regulatory analysis of the agency's energy policies, prepare procurement documents for installation of solar facilities at Meadowlands' municipalities and schools, and conduct a detailed energy audit with the implementation of a procurement process that will result in the installation of cost-effective energy efficient measures at the NJMC administration buildings; and

WHEREAS, Gabel Associates has been awarded a contract to provide these services by the State of New Jersey, Department of Treasury, Division of Administration on November 21, 2006; and

WHEREAS, it is the opinion of the NJMC staff that Gabel Associates' unique capabilities and experience in project development, renewable energy markets, and economic analysis in the energy industry can put the NJMC in the best position to make timely and well-informed decisions regarding the agency's energy initiatives.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract with Gabel Associates to provide energy consulting services to the NJMC consistent with state contract ID# 67464, entered into between Gabel Associates and the State of New Jersey, Department of Treasury, Division of Administration on November 21, 2006.

BE IT FURTHER RESOLVED, by the New Jersey Meadowlands Commission that this contract will be executed at a cost not to exceed \$240,000, and these funds have been previously committed under Resolution 05-84 which utilizes MAGNET funds for LEEDs upgrades of existing NJMC buildings.

The foregoing was adopted on Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-42

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio Date: April 25, 2007

Subject: Energy Projects

If approved Resolution 07-42 would authorize the Executive Director to enter into a contract with Gabel Associates to provide energy consulting services to the NJMC at an amount not to exceed \$240,000. The NJMC has embarked on a series of initiatives to combat global climate change and increase the implementation of renewable energy and green building applications throughout the Meadowlands District. Continuing with this initiative, it is proposed that Gabel Associates perform the following energy consultation services for the NJMC:

- Provide strategic advice and analysis on how to best develop NJMC's renewable plan and associated procurement processes;
- Assist in regulatory matters related to the solar project. It is anticipated that NJMC will need assistance in a) applying for, and being awarded, a grant from the New Jersey Office of Clean Energy, and b) addressing other regulatory issues with the New Jersey Board of Public Utilities, particularly with respect to the grid supply elements of its plan.
- Assist in the development of economic models to quantify costs, benefits, and values associated with solar project.
- Review the RFQ/RFP and other procurement documents related to the solar project, and the received proposals for the solar energy array on the NJMC properties.
- Prepare procurement documents for installation of solar facilities at municipalities, school districts and other designated entities participating in the NJMC program.
- Evaluate proposals and assist in negotiating agreements that would implement the solar projects at municipalities, school districts and other designated entities participating in the NJMC program. The estimated cost for this task assumes that NJMC will be the entity coordinating directly with the municipalities, school districts and other designated entities.

- Phase 1 - Perform an audit of NJMC facilities to identify energy efficiency measures, mechanical/electrical equipment improvements and potential rebate opportunities.
- Phase 2 - Prepare engineering design specifications/develop and implement a procurement process that will result in installation of cost-effective measures. Provide project management services to oversee project implementation. These tasks we described in more detail in Attachment 1.
- Evaluate NJMC's current landfill gas issues and assist in determining a course of action for the use of landfill gas.

Gabel Associates proposes to provide these services pursuant to the terms of the Agreement entered into between Gabel Associates and the State of New Jersey, Department of Treasury, Division of Administration, dated November 21, 2006, state contract ID# 67464. Subcontract services on the energy efficiency element of this proposal will be provided by Metro Energy, pursuant to the same State contract.

Gabel Associates' unique capabilities and experience in project development, renewable energy markets, and economic analysis in the energy industry can put the NJMC in the best position to make timely and well-informed decisions regarding the agency's solar power initiative. They have been successful in assisting in project activities including detailed economic and financial analysis, RFQ/RFP processes, as well as providing advice on project development, renewable energy and regulatory matters.

**RESOLUTION AUTHORIZING A PHASE II
ENVIRONMENTAL INVESTIGATION**

WHEREAS, The New Jersey Meadowlands Commission is considering the acquisition of Block 137, Lots 43, 45, and 46; Block 131, Lots 5 and 6 in the Borough of Carlstadt, and Block 21, Lots 1,2, and 3; Block 22, Lot 1 and Block 23, Lots 1 and 3 in the Borough of Moonachie as part of its property acquisition program; and

WHEREAS, as part of its due diligence it is required to perform Environmental Site Assessments; and

WHEREAS, a Phase I Environmental Site Assessment was performed by ICON Engineering which indicated several areas of concern and which recommended further investigation; and

WHEREAS, in order to complete its due diligence, NJMC staff requests a Phase II Environmental Site Assessment of the above properties.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director hereby authorizes payment not to exceed \$45,000 for the Phase II Environmental Site Assessment of the above properties.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-43

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Christine A. Sanz Date: April 25, 2007

Subject: Phase II Environmental Investigation

The New Jersey Meadowlands Commission is considering the acquisition of Block 137, Lots 43, 45, and 46; Block 131, Lots 5 and 6 in the Borough of Carlstadt, and Block 21, Lots 1,2, and 3; Block 22, Lot 1 and Block 23, Lots 1 and 3 in the Borough of Moonachie as part of its property acquisition program. As part of its due diligence it is required to perform Environmental Site Assessments.

A Phase I Environmental Site Assessment was performed by ICON Engineering which indicated several areas of concern and which recommended further investigation. Accordingly, in order to complete its due diligence, NJMC staff requests that the board authorize the Executive Director to authorize the payment not to exceed \$45,000 for the Phase II Environmental Site Assessment of the above properties.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A CONTRACT FOR ARCHITECTURAL DESIGN,
ENGINEERING SERVICES AND CONSTRUCTION MANAGEMENT FOR
RIVER BARGE PARK**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) purchased the former Barge Club property in Carlstadt in the fall of 2005; and

WHEREAS, NJMC resolution 05-91 appropriated funds for the park construction; and

WHEREAS, the NJMC has developed a master plan for the River Barge Park; and

WHEREAS, the first phase of the project, Contract LA 06-03 *The Wood Salvage and Demolition at the Barge Club* was approved at last month's commissioner meeting (resolution 07-06); and

WHEREAS, the next phase involved assembling a dynamic team of design professionals to perform the architectural design, engineering services and construction management of the park; and

WHEREAS, a Request for Proposals (RFP) outlining the scope of work was issued to four pre-qualified architectural firms; and

WHEREAS, DMR Architects of Hasbrouck Heights was ranked the highest, with a bid amount of \$681,200; and

WHEREAS, the Agency may negotiate professional services contracts with the highest ranked firm; and

WHEREAS, DMR Architects re-evaluated their proposal to match the lowest bid of \$573,800; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a professional service contract with DMR Architects at a cost of \$573,800 of which \$33,000 will be reimbursed by the Meadowlands Conservation Trust for the design of the Education Pavilion.

The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of March 12, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-44

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert Ceberio, Executive Director

From: Thomas Marturano

Date: April 25, 2007

Subject: Architectural Design, Engineering Services and Construction Management for River Barge Park

The Work of this Contract marks the second phase of the ultimate development of the River Barge Park in Carlstadt. The first phase, *The Wood Salvage & Demolition at the Barge Club, Contract 06-03* was approved at last month's commission meeting (Resolution # 07-06).

In this next phase, the Commission accepted proposals from four pre-qualified architectural firms for architectural and engineering design services, permitting and construction management for the River Barge Park. NJMC sought a team of experienced and innovative professionals eager to embrace this unique opportunity to create a compelling destination for the residents of Bergen County.

A Request for Proposal (RFP) outlining the scope of work was issued on December 13, 2006. Specific requirements include site investigation, design development, preparation of construction plans, technical specifications, permit applications and construction management for all buildings, solar carports, bulkhead, ramps and marina within the park. The NJMC landscape architecture group will be responsible for the overall site design and other park elements including the park access road, parking areas and all hardscape areas.

Proposals were received on February 14, 2007 and were ranked by the RFP Review Committee as follows:

1. **DMR Architects**, Hasbrouck Heights : bid price \$681,200
2. **Cubellis Ecoplan**, Englewood Cliffs : bid price \$573,800
3. **Fredric Rosen, Architect**, Ridgefield : bid price \$627,000
4. **The Biber Partnership**, Summit : bid price \$629,560

We asked the highest ranked firm if they would match the proposed price given by the lowest priced firm. This would result in the highest ranked firm performing the work at the lowest price. DMR re-evaluated their proposal and matched the lowest bid of \$573,800. We are therefore, submitting for your consideration and approval a resolution authorizing the Executive Director to enter into a contract with DMR Architects for Architectural Design, Engineering Services and Construction Management at the River Barge Park at a cost of \$573,800.

RESOLUTION: CLOSED SESSION

WHEREAS, the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the holding of closed session by public bodies in certain circumstances; and

WHEREAS, the New Jersey Meadowlands Commission is of the opinion that those circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a closed session of the NJMC will be held to discuss the following:
 - Wilenta
2. It is anticipated at this time that the above subject matter(s) will be made public upon completion of said matter(s).

This Resolution shall become effective immediately. The foregoing Resolution was adopted by Commission vote.

Susan Bass Levin
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-45